GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Eruvaram Srikanth, S/o E. Vasantha Murthy, Student, R/o Bangalore under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (A.P. Act No.16/1993) against the Proceedings, No.C3/5478/2006, dated 08.02.2008 of the District Collector, Chittoor in cancelling the ST-Yanadi Caste Certificate of the Petitioner – Appeal Petition allowed – Orders - Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.32. Dated: 03.11.2021
Read the following:-

1. Proceedings of the District Collector, Chittoor, No.C3/5478/2006, dated 08.02.2008.
2. Appeal Petition filed by Sri Eruvaram Srikanth, S/o E. Vasantha Murthy, Student, R/o Bangalore, before the M(TW&RIAD), dated 18.02.2008.
3. Govt. Memo No.1797/CV.2/2008, S.W(CV.2) Deptt., dt.10.03.2008 and reminders thereon.
4. From the District Collector, Chittoor, Lr.No.ROC C3/5478/2006, dated 12.04.2008.
5. Govt. Memo No.3204/CV.2/2006, S.W(CV.2) Deptt., dt.30.04.2012, 12.11.2015, 01.05.2018, 05.06.2018, 07.08.2018, 17.09.2018, 27.12.2018, 09.01.2019, 23.01.2019, 09.10.2019, 07.07.2021 & 04.08.2021.

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ORDER:

In the Proceedings 1st read above, the District Collector, Chittoor has issued orders cancelling the ST 'Yanadi' Community Certificate issued to Sri Eruvaram Srikanth, S/o E. Vasantha Murthy, Student, R/o Bangalore.

2. Sri Eruvaram Srikanth, S/o E. Vasantha Murthy has filed Appeal Petition before the Government against the Proceedings of the District Collector, Chittoor duly submitting grounds in support of his claim of ST 'Yanadi' Community and prayed to set aside the proceedings of the District Collector, Chittoor and also to grant stay on the operation of the said proceedings. After examining the said Appeal Petition, Government while admitting the same, had granted stay as prayed for and called for the Para-wise remarks on the grounds filed by the Appellant along with connected records from the District Collector in memo 3rd read above.

3. In the letter 4th read above, the District Collector, Chittoor has furnished para-wise remarks along with connected records on the Appeal Petition filed by Sri Eruvaram Srikanth, S/o E. Vasantha Murthy.

4. The said Appeal Petition has been posted for hearing on 30.06.2008, 11.05.2012, 19.05.2018, 23.06.2018, 18.08.2018, 06.10.2018, 09.02.2018, 19.10.2019, 24.07.2021, 23.08.2021 before the Hon'ble Appellate Authority duly informing the same to the Appellant and the Counsel for the Appellant in the Memo 5th read above. The appellant and their counsel have attended the said hearing on 23.08.2021. On perusal of the records/ the copies of evidences/ academic record/ grounds filed by the Appellant and the para-wise remarks submitted by the District Collector, Chittoor and proceedings of the District Collector, Chittoor, dated 08.02.2008, the Appellate authority has observed that;

I. The grounds put-forth by the appellant in support of his claim of ST 'Yanadi' community is as follows:

   1. The order of the Respondent herein canceling the caste certificate of appellant is contrary to law.

[Contd..]

2. The Appellant herein is an offspring of a tribal father and non tribal mother and the Appellant takes the caste status of the father, the Collector herein erred in law in canceling the caste certificate on that ground.
3. The Collector, having relied on the judgment of the Supreme Court passed in Anjan Kumar Vs Union of India and others report in 2006 has totally misconstrued and misunderstood the contents of the Judgment. In the judgment itself it has been clearly mentioned that the situation will, however, stand on different footing in a case where a tribal man marries a non tribal woman then the offshoots of such wedlock would obviously attain the tribal status". The judgment of the Hon'ble Supreme Court is very clear that offspring of the tribal father and non tribal mother would attain a tribal status.
4. The Collector, in his proceedings held that the father of the Appellant is a tribal and the mother is a non tribal, has erred in law in holding that the Appellant cannot be considered as a member of ST.
5. The Appellant has stayed in Chandragiri for number of years and the MRO, has rightly issued the certificate that the appellant belongs to ST.
6. The Collector, ought to have seen that the provisions of Rule-9 of the AP(SC,ST& BC's) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997.
7. The Collector, ought to have seen that the G.O. has been issued by the Government in G.O.Ms.No.371, dated:13.4.1976 also provides that for the purpose of admission into education Institutions and professional colleges, the Government direct the lower caste of either parent in the inter caste marriage shall be deemed to be the caste of the child it shall be eligible for reservation.

II. The District Collector, Chittoor has furnished the following remarks on the above grounds as follows:

The appellant, who is the offspring of inter-caste married couple between a tribal and non tribal was born in Kurnool and he never brought up in the surroundings of ST locality i.e, at Bathinivaripalli(V), Pakala(M) which is the native place of Sri E.Vasantha Murthy, while leaving to Saudi, has kept his family at Chandragiri (M) Head quarters, but not at Bathinivaripalli(V) of Pakala(M) . After coming from Saudi, they shifted their family to Kurnool. Sri E.Vasantha Murthy is not taking care of his mother Smt Lakshmamma who is aged about 70 years. His mother is living with her grand daughter, Smt Manjula at Gadanki. It clearly shows that the offspring children of E.Vasantha Murthy and Rajarajeswari were not at all brought up in the social surroundings / locality of ST community.

The Commissioner of Tribal Welfare, Hyderabad has stated that E.Srikanth for admission into PG Medical Course under ST category with Merit Rank 175 and he claimed as belonging to Yanadi Community. At the time of counseling at NTR university of Health Sciences, Vijayawada and scrutiny of ST certificates it was found prima facie doubtful. Hence the claimant advised to see the Director, TCR & TI., Hyderabad on 13.4.2006 along with an elderly member of his family who has full knowledge about his community to furnish oral and documentary evidences to substantiate their claim. After examination of the documents the Commissioner of Tribal Welfare Hyderabad has noticed the following observations.

1. Appellant's father Dr.Eruvaram Vasanth Murthy native place is of Bathinivaripalli, Pakala and he belongs to Yenadi Tribe.
2. Dr Vasantha Murthy while doing House surgeon on Kurnool Medical College, fell in love with one Kum Marthala Rajarajeswari who was working as nurse in the same hospital at kurnool and married on 09.03.77 by Registered Marriage. She belongs to Reddy OC and native of Degupaudi(V) Nellore Dist.
3. The appellant E.Srikanth was born on 16.6.1981, by which time his father left the native village and settled at Kurnool.

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4. The Appellant studied from 1st to 4th at Boston School Madras, 5th to 10th at Adharsha Vidya Peetham, Kurnool, Intermediate at Shantiniketan College, Kurnool and MBBS at SV Medical College Tirupathi which indicate that he never stayed in his father's native.
5. They have not furnished any recorded evidence that they have continued their relation with his father's side.
6. The applicant furnished copy of the Community nativity and date of Birth certificate issued by the MRO, Chandragiri to the effect that E.Srikanth of Chandragiri belongs to Yenadi Tribe.
7. The appellant furnished copy of the certificate issued by MRO, Chandragiri stating that "enquiry conducted in the matter in the light of guidelines conducted Annexure-II communication with Lr.No.39/37/73/SCT-1, Dated: 4.3.1975 of the Govt. of India, New Delhi read with G.O.Ms.No.371, Dated:13.4.76 reveals that the children are brought up in social surroundings of father's relatives and are accepted by ST community and it is therefore certified that the appellant belongs to ST community.

III. During the course of hearing of the case, the Appellate Authority has observed/opined that;

1. The Appeal Petition is filed by Sri Eruvaram Srikanth, S/o E. Vasantha Murthy against the proceedings of the District Collector, Chittoor District for cancellation of his ST Yanadi caste certificates.
2. During the course of hearing, the appellant submitted his arguments as per his grounds and have stated that the lower authority failed to consider the relevant documents and further submitted that the lower authority cancelled his caste certificate holding that his father belongs to tribal community and mother belongs to non-tribal, if the authority consider about the community of his father then it can be concluded that he belongs to ST community.
3. On verification of the documents, the grounds of appeal and Para wise remarks as well as the other documents and material available on the record, it is noticed that admittedly the father of the appellant belongs to tribal community and his marriage is inter caste marriage. In the present case, the community of the appellant father shall be taken into consideration and further the relationship of the appellant with other ST people clearly reveals that his biological father admittedly belongs to ST and on that, it came to a conclusion that the appellant belongs to ST community.
4. That taking consideration of the above and the material available on the record, it can be concluded that the lower authority failed to observe the finding of the concerned above and after careful examination of the appeal petition and the circumstances stated supra and in exercise of the powers conferred under the act and the rules, the appeal is hereby allowed filed by the appellant by upholding the appellant's Schedule Tribe (Yanadi) and the lower authority proceeding is to be Set-aside and accordingly the same is hereby set aside.

5. Government, after careful examination of the appeal petition and in exercise of the powers conferred under Section 7(2) of A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), and rules made there under, hereby allow the appeal petition filed by Sri Eruvaram Srikanth, S/o E. Vasantha Murthy, Student, R/o Bangalore and the Proceedings No.C3/5478/2006, dated 08.02.2008 of the District Collector, Chittoor District are hereby set-aside duly upholding the Scheduled Tribe (Yanadi) claim of the appellant.

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6. The District Collector, Chittoor is directed to take necessary consequential action in the matter, accordingly.

7. The records (Roc.C3/5478/2006) containing pages (CF: 1 to 320) received from the District Collector, Chittoor through in the reference 4th read above, are returned herewith in original to the District Collector, Chittoor and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate, Chittoor.(we)
(With original records) (BY RPAD)

Sri Eruvaram Srikanth, S/o E. Vasantha Murthy,
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Mr. A. Jaya Raju, Advocate,
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Copy to :
The OSD to Hon'ble Deputy CM.(TW)
The PS to Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER